



Sen. James A. DeLeo

**Filed: 4/11/2005**

09400SB0397sam001

LRB094 09071 RLC 44693 a

1 AMENDMENT TO SENATE BILL 397

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 397 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by  
5 changing Section 1-101.5 and adding Section 13B-99 and Chapter  
6 13C as follows:

7 (625 ILCS 5/1-101.5)

8 Sec. 1-101.5. Agency. For the purposes of Chapters ~~Chapter~~  
9 13B and 13C, "Agency" means the Illinois Environmental  
10 Protection Agency.

11 (Source: P.A. 90-89, eff. 1-1-98.)

12 (625 ILCS 5/13B-99 new)

13 (Section scheduled to be repealed on July 1, 2007)

14 Sec. 13B-99. Repeal. This Chapter 13B is repealed on July  
15 1, 2007.

16 (625 ILCS 5/Ch. 13C heading new)

17 CHAPTER 13C. EMISSION INSPECTION

18 (625 ILCS 5/13C-1 new)

19 Sec. 13C-1. Short title. This Chapter may be cited as the  
20 Vehicle Emissions Inspection Law of 2005.

1 (625 ILCS 5/13C-5 new)

2 Sec. 13C-5. Definitions. For the purposes of this Chapter:

3 "Affected counties" means Cook County; DuPage County; Lake  
4 County; those parts of Kane County that are not included within  
5 any of the following ZIP code areas, as designated by the U.S.  
6 Postal Service on the effective date of this amendatory Act of  
7 the 94th General Assembly: 60109, 60119, 60135, 60140, 60142,  
8 60144, 60147, 60151, 60152, 60178, 60182, 60511, 60520, 60545,  
9 and 60554; those parts of Kendall County that are not included  
10 within any of the following ZIP code areas, as designated by  
11 the U.S. Postal Service on the effective date of this  
12 amendatory Act of the 94th General Assembly: 60447, 60450,  
13 60512, 60536, 60537, 60541, those parts of 60543 that are not  
14 within the census defined urbanized area, 60545, 60548, and  
15 60560; those parts of McHenry County that are not included  
16 within any of the following ZIP code areas, as designated by  
17 the U.S. Postal Service on the effective date of this  
18 amendatory Act of the 94th General Assembly: 60001, 60033,  
19 60034, 60071, 60072, 60097, 60098, 60135, 60142, 60152, and  
20 60180; those parts of Will County that are not included within  
21 any of the following ZIP code areas, as designated by the U.S.  
22 Postal Service on the effective date of this amendatory Act of  
23 the 94th General Assembly: 60401, 60407, 60408, 60410, 60416,  
24 60418, 60421, 60442, 60447, 60468, 60481, 60935, and 60950;  
25 those parts of Madison County that are not included within any  
26 of the following ZIP code areas, as designated by the U.S.  
27 Postal Service on the effective date of this amendatory Act of  
28 the 94th General Assembly: 62001, 62012, 62021, 62026, 62046,  
29 62058, 62061, 62067, 62074, 62086, 62088, 62097, 62249, 62275,  
30 62281, and 62293; those parts of Monroe County that are not  
31 included within any of the following ZIP code areas, as  
32 designated by the U.S. Postal Service on the effective date of  
33 this amendatory Act of the 94th General Assembly: 62244, 62248,  
34 62256, 62261, 62264, 62276, 62277, 62278, 62279, 62295, and

1 62298; and those parts of St. Clair County that are not  
2 included within any of the following ZIP code areas, as  
3 designated by the U.S. Postal Service on the effective date of  
4 this amendatory Act of the 94th General Assembly: 62224, 62243,  
5 62248, 62254, 62255, 62257, 62258, 62260, 62264, 62265, 62269,  
6 62278, 62282, 62285, 62289, 62293, and 62298.

7 "Board" means the Illinois Pollution Control Board.

8 "Claim evaluation center" means an automotive diagnostic  
9 facility that meets the standards prescribed by the Agency for  
10 performing examinations of vehicle emissions inspection damage  
11 claims.

12 "Contractor" means the vehicle emissions test contractor  
13 for official inspection stations described in Section 13C-45.

14 "Diagnostic code" means a code stored in a vehicle's  
15 on-board diagnostic computer to indicate the occurrence of an  
16 emissions-related condition or malfunction.

17 "Inspection area" means Cook County, DuPage County, Lake  
18 County, and those portions of Kane, Kendall, Madison, McHenry,  
19 Monroe, Will, and St. Clair Counties included in the definition  
20 of "affected counties".

21 "Malfunction indicator lamp" means a dashboard lamp  
22 designed to illuminate to alert the driver to the occurrence of  
23 a problem or condition resulting in excessive emissions.

24 "On-board diagnostic system" or "OBD system" means the  
25 computer-based system built into all 1996 and newer light-duty  
26 vehicles and trucks, as required by the federal Clean Air Act  
27 Amendments of 1990, that is designed to monitor the performance  
28 of major engine and emissions controls, to alert the operator  
29 to emissions-related malfunctions, and to store diagnostic  
30 codes and other vehicle operating information useful in  
31 repairing the vehicle.

32 "Official inspection station" means a structure or  
33 physical location where the Agency has authorized vehicle  
34 emissions testing to be conducted.

1       "Owner" means the registered owner of the vehicle, as  
2 indicated on the vehicle's registration. In the case of an  
3 unregistered vehicle, "owner" has the meaning set forth in  
4 Section 1-155 of this Code.

5       "Program" means the vehicle emission inspection program  
6 established under this Chapter.

7       "Readiness status" means an indication of whether a  
8 vehicle's on-board diagnostic system has completed a periodic  
9 check of the performance of a monitored system or component.

10       "Resident" includes natural persons, foreign and domestic  
11 corporations, partnerships, associations, and all other  
12 commercial and governmental entities. For the purpose of  
13 determining residence, the owner of a vehicle shall be presumed  
14 to reside at the address indicated on the vehicle's  
15 registration. A governmental entity, including the federal  
16 government and its agencies, and any unit of local government  
17 or school district, any part of which is located within an  
18 affected county, shall be deemed a resident of an affected  
19 county for the purpose of any vehicle that is owned by the  
20 governmental entity and regularly operated in an affected  
21 county.

22       "Registration" of a vehicle means its registration under  
23 Article IV of Chapter 3 of this Code.

24       "Vehicle age" means the numerical difference between the  
25 current calendar year and the vehicle model year.

26       (625 ILCS 5/13C-10 new)

27       Sec. 13C-10. Program.

28       (a) The Agency shall establish a program to begin February  
29 1, 2007, to reduce the emission of pollutants by motor  
30 vehicles. This program shall be a replacement for and  
31 continuation of the program established under the Vehicle  
32 Emissions Inspection Law of 1995, Chapter 13B of this Code.

33       At a minimum, this program shall provide for all of the

1 following:

2 (1) The inspection of certain motor vehicles every 2  
3 years, as required under Section 13C-15.

4 (2) The establishment and operation of official  
5 inspection stations.

6 (3) The designation of official test equipment and  
7 testing procedures.

8 (4) The training and supervision of inspectors and  
9 other personnel.

10 (5) Procedures to assure the correct operation,  
11 maintenance, and calibration of test equipment.

12 (6) Procedures for certifying test results and for  
13 reporting and maintaining relevant data and records.

14 (b) The Agency shall provide for the operation of a  
15 sufficient number of official inspection stations to prevent  
16 undue difficulty for motorists to obtain the inspections  
17 required under this Chapter. In the event that the Agency  
18 operates inspection stations or contracts with one or more  
19 parties to operate inspection stations on its behalf, the  
20 Agency shall endeavor to: (i) locate the stations so that the  
21 owners of vehicles subject to inspection reside within 12 miles  
22 of an official inspection station; and (ii) have sufficient  
23 inspection capacity at the stations so that the usual wait  
24 before the start of an inspection does not exceed 15 minutes.

25 (625 ILCS 5/13C-15 new)

26 Sec. 13C-15. Inspections.

27 (a) Beginning with the implementation of the program  
28 required by this Chapter, every motor vehicle that is owned by  
29 a resident of an affected county, other than a vehicle that is  
30 exempt under subsection (f) or (g), is subject to inspection  
31 under the program.

32 The Agency shall send notice of the assigned inspection  
33 month, at least 15 days before the beginning of the assigned

1 month, to the owner of each vehicle subject to the program. An  
2 initial emission inspection sticker or initial inspection  
3 certificate, as the case may be, expires on the last day of the  
4 third month following the month assigned by the Agency for the  
5 first inspection of the vehicle. A renewal inspection sticker  
6 or certificate expires on the last day of the third month  
7 following the month assigned for inspection in the year in  
8 which the vehicle's next inspection is required.

9 The Agency or its agent may issue an interim emission  
10 inspection sticker or certificate for any vehicle subject to  
11 inspection that does not have a currently valid emission  
12 inspection sticker or certificate at the time the Agency is  
13 notified by the Secretary of State of its registration by a new  
14 owner, and for which an initial emission inspection sticker or  
15 certificate has already been issued. An interim emission  
16 inspection sticker or certificate expires no later than the  
17 last day of the sixth complete calendar month after the date  
18 the Agency issued the interim emission inspection sticker or  
19 certificate.

20 The owner of each vehicle subject to inspection shall  
21 obtain an emission inspection sticker or certificate for the  
22 vehicle in accordance with this subsection. Before the  
23 expiration of the emission inspection sticker or certificate,  
24 the owner shall have the vehicle inspected and, upon  
25 demonstration of compliance, obtain a renewal emission  
26 inspection sticker or certificate. A renewal emission  
27 inspection sticker or certificate shall not be issued more than  
28 5 months before the expiration date of the previous inspection  
29 sticker or certificate.

30 (b) Except as provided in subsection (c), vehicles shall be  
31 inspected every 2 years on a schedule that begins either in the  
32 second, fourth, or later calendar year after the vehicle model  
33 year. The beginning test schedule shall be set by the Agency  
34 and shall be consistent with the State's requirements for

1 emission reductions as determined by the applicable United  
2 States Environmental Protection Agency vehicle emissions  
3 estimation model and applicable guidance and rules.

4 (c) A vehicle may be inspected at a time outside of its  
5 normal 2-year inspection schedule, if (i) the vehicle was  
6 acquired by a new owner and (ii) the vehicle was required to be  
7 in compliance with this Act at the time the vehicle was  
8 acquired by the new owner, but it was not then in compliance.

9 (d) The owner of a vehicle subject to inspection shall have  
10 the vehicle inspected and shall obtain and display on the  
11 vehicle or carry within the vehicle, in a manner specified by  
12 the Agency, a valid unexpired emission inspection sticker or  
13 certificate in the manner specified by the Agency. A person who  
14 violates this subsection (d) is guilty of a petty offense,  
15 except that a third or subsequent violation within one year of  
16 the first violation is a Class C misdemeanor. The fine imposed  
17 for a violation of this subsection shall be not less than \$50  
18 if the violation occurred within 60 days following the date by  
19 which a new or renewal emission inspection sticker or  
20 certificate was required to be obtained for the vehicle, and  
21 not less than \$300 if the violation occurred more than 60 days  
22 after that date.

23 (e) For a \$20 fee, to be paid into the Vehicle Inspection  
24 Fund, the Agency may inspect:

25 (1) A vehicle registered in and subject to the emission  
26 inspections requirements of another state.

27 (2) A vehicle presented for inspection on a voluntary  
28 basis.

29 Any fees collected under this subsection shall not offset  
30 Motor Fuel Tax Funds normally appropriated for the program.

31 (f) The following vehicles are not subject to inspection:

32 (1) Vehicles not subject to registration under Article  
33 IV of Chapter 3 of this Code, other than vehicles owned by  
34 the federal government.

1           (2) Motorcycles, motor driven cycles, and motorized  
2           pedalcycles.

3           (3) Farm vehicles and implements of husbandry.

4           (4) Implements of warfare owned by the State or federal  
5           government.

6           (5) Antique vehicles, custom vehicles, street rods,  
7           and vehicles of model year 1967 or before.

8           (6) Vehicles operated exclusively for parade or  
9           ceremonial purposes by any veterans, fraternal, or civic  
10           organization, organized on a not-for-profit basis.

11           (7) Vehicles for which the Secretary of State, under  
12           Section 3-117 of this Code, has issued a Junking  
13           Certificate.

14           (8) Diesel powered vehicles and vehicles that are  
15           powered exclusively by electricity.

16           (9) Vehicles operated exclusively in organized amateur  
17           or professional sporting activities, as defined in Section  
18           3.310 of the Environmental Protection Act.

19           (10) Vehicles registered in, subject to, and in  
20           compliance with the emission inspection requirements of  
21           another state.

22           (11) Vehicles participating in an OBD continuous  
23           monitoring program operated in accordance with procedures  
24           adopted by the Agency.

25           (12) Vehicles of model year 1995 or earlier that do not  
26           have an expired emissions test sticker or certificate on  
27           February 1, 2007.

28           The Agency may issue temporary or permanent exemption  
29           stickers or certificates for vehicles temporarily or  
30           permanently exempt from inspection under this subsection (f).  
31           An exemption sticker or certificate does not need to be  
32           displayed.

33           (g) According to criteria that the Agency may adopt, a  
34           motor vehicle may be exempted from the inspection requirements

1 of this Section by the Agency on the basis of an Agency  
2 determination that the vehicle is located and primarily used  
3 outside of the affected counties or in other jurisdictions  
4 where vehicle emission inspections are not required. The Agency  
5 may issue an annual exemption sticker or certificate without  
6 inspection for any vehicle exempted from inspection under this  
7 subsection.

8 (h) Any owner or lessee of a fleet of 15 or more motor  
9 vehicles that are subject to inspection under this Section may  
10 apply to the Agency for a permit to establish and operate a  
11 private official inspection station in accordance with rules  
12 adopted by the Agency.

13 (i) Pursuant to Title 40, Section 51.371 of the Code of  
14 Federal Regulations, the Agency may establish a program of  
15 on-road testing of in-use vehicles through the use of remote  
16 sensing devices. In any such program, the Agency shall evaluate  
17 the emission performance of 0.5% of the subject fleet or 20,000  
18 vehicles, whichever is less. Under no circumstances shall  
19 on-road testing include any sort of roadblock or roadside  
20 pullover or cause any type of traffic delay. If, during the  
21 course of an on-road inspection, a vehicle is found to exceed  
22 the on-road emissions standards established for the model year  
23 and type of vehicle, the Agency shall send a notice to the  
24 vehicle owner. The notice shall document the occurrence and the  
25 results of the on-road exceedance. The notice of a second  
26 on-road exceedance shall indicate that the vehicle has been  
27 reassigned and is subject to an out-of-cycle follow-up  
28 inspection at an official inspection station. In no case shall  
29 the Agency send a notice of an on-road exceedance to the owner  
30 of a vehicle that was found to exceed the on-road emission  
31 standards established for the model year and type of vehicle,  
32 if the vehicle is registered outside of the affected counties.

1       Sec. 13C-20. Rules and standards.

2       (a) The rules and emission standards adopted under  
3 subsection (a) of Section 13B-20 of this Code shall apply to  
4 the program established under this Chapter and continue in  
5 effect until amended or repealed by the Board under this  
6 subsection.

7       The Agency shall propose any other standards necessary to  
8 achieve reductions in the emission of hydrocarbons, carbon  
9 monoxide, and oxides of nitrogen from motor vehicles subject to  
10 inspection under this Chapter. Within 120 days after the Agency  
11 proposes those standards, the Board shall adopt any necessary  
12 rules establishing standards for the emission of hydrocarbons,  
13 carbon monoxide, and oxides of nitrogen from motor vehicles  
14 subject to inspection under this Chapter. The rules may be  
15 amended from time to time pursuant to Agency proposals. The  
16 Board shall set standards necessary to achieve the reductions  
17 in vehicle hydrocarbons, carbon monoxide, and oxides of  
18 nitrogen emissions, as determined by the applicable vehicle  
19 emission estimation model and rules developed by the United  
20 States Environmental Protection Agency, that are required by  
21 the federal Clean Air Act. A predetermined rate of failure  
22 shall not be used in determining standards necessary to achieve  
23 the reductions in vehicle hydrocarbons, carbon monoxide, and  
24 oxides of nitrogen emissions. The emission standards  
25 established by the Board for vehicles of model year 1981 or  
26 later shall be identical in substance, as defined in Section  
27 7.2(a) of the Environmental Protection Act, to the emission  
28 standards promulgated by the United States Environmental  
29 Protection Agency.

30       Except as otherwise provided in this subsection,  
31 subsection (b) of Section 27 of the Environmental Protection  
32 Act and the rulemaking provisions of the Illinois  
33 Administrative Procedure Act do not apply to rules adopted by  
34 the Board under this subsection. Challenges to the validity of

1 rules adopted by the Board under this subsection or subsection  
2 (a) of Section 13B-20 may be brought only by filing a petition  
3 for review in the Appellate Court under Section 29 of the  
4 Environmental Protection Act within 35 days after the rule is  
5 filed with the Secretary of State.

6 (b) The procedures established by the Agency under  
7 subsection (b) of Section 13B-20 of this Code shall apply to  
8 the program established under this Chapter and remain in effect  
9 until amended or repealed under this subsection. The Agency may  
10 at any time amend or repeal those procedures and may establish  
11 additional procedures designed to implement this Chapter.

12 (625 ILCS 5/13C-25 new)

13 Sec. 13C-25. Performance of inspections.

14 (a) Except as provided in subsection (b), the inspection of  
15 vehicles required under this Chapter shall be performed only:  
16 (i) by inspectors who have been certified by the Agency after  
17 successfully completing a course of training and successfully  
18 passing a written test; (ii) at official inspection stations,  
19 including on-road inspection sites established under this  
20 Chapter; and (iii) with equipment that has been approved by the  
21 Agency for these inspections.

22 (b) The requirements of subdivisions (a)(i) and (a)(ii) of  
23 this Section do not preclude the performance of inspections (1)  
24 at self-service official inspection stations, (2) using  
25 Agency-approved wireless communication interfaces, and (3)  
26 using systems designed to perform remote on-board diagnostic  
27 inspections.

28 (c) Except as provided in subsection (d), the inspection  
29 shall consist of an on-board diagnostic system test. The owner  
30 of the vehicle or the owner's agent shall be entitled to an  
31 emission inspection certificate issued by the Agency only if  
32 all required tests are passed at the time of the inspection.

33 (d) A steady-state idle exhaust gas analysis and the

1 evaporative system integrity test may be substituted for the  
2 on-board diagnostic system test in the following cases:

3 (1) On any heavy duty vehicle with a manufacturer gross  
4 vehicle weight rating in excess of 8,500 pounds not  
5 equipped at the time of manufacture with an on-board  
6 diagnostic system meeting federal OBD-II specifications.

7 (2) On any vehicle for which on-board diagnostic  
8 testing is not possible due to the vehicle's originally  
9 certified design or its design as modified in accordance  
10 with federal law and regulations, and on any vehicle with  
11 known on-board diagnostic communications or software  
12 problems, as determined by the Agency.

13 (e) The exhaust gas analysis shall consist of a test of an  
14 exhaust gas sample to determine whether the quantities of  
15 exhaust gas pollutants emitted by the vehicle meet the  
16 standards set for vehicles of that type under Section 13C-20. A  
17 vehicle shall be deemed to have passed this portion of the  
18 inspection if the evaluation of the exhaust gas sample  
19 indicates that the quantities of exhaust gas pollutants emitted  
20 by the vehicle do not exceed the standards set for vehicles of  
21 that type under Section 13C-20 or an inspector certifies that  
22 the vehicle qualifies for a waiver of the exhaust gas pollutant  
23 standards under Section 13C-30.

24 (f) The evaporative system integrity test shall consist of  
25 a procedure to determine if leaks exist in all or a portion of  
26 the vehicle fuel evaporation emission control system. A vehicle  
27 shall be deemed to have passed this test if it meets the  
28 criteria that the Board may adopt for an evaporative system  
29 integrity test.

30 (g) The on-board diagnostic system test shall consist of  
31 accessing the vehicle's on-board computer system, determining  
32 the vehicle's readiness status and malfunction indicator lamp  
33 status, and retrieving any stored diagnostic codes that may be  
34 present. The vehicle shall be deemed to have passed this test

1 if the vehicle readiness status indicates that the vehicle's  
2 OBD system has completed all required system and component  
3 checks, the malfunction indicator lamp status is appropriate,  
4 and the diagnostic codes retrieved do not exceed standards set  
5 for vehicles of that type under Section 13C-20.

6 (625 ILCS 5/13C-30 new)

7 Sec. 13C-30. Waivers.

8 (a) The Agency shall certify that a vehicle that has failed  
9 a vehicle emission retest qualifies for a waiver of the  
10 emission inspection standards if all of the following criteria  
11 are met:

12 (1) The vehicle has received all repairs and  
13 adjustments for which it is eligible under any emission  
14 performance warranty provided under Section 207 of the  
15 federal Clean Air Act.

16 (2) The Agency determines by normal inspection  
17 procedures that the vehicle's emission control devices are  
18 present and appear to be properly connected and operating.

19 (3) Consistent with Title 40, Section 51.360 of the  
20 Code of Federal Regulations, for vehicles required to be  
21 tested under this Chapter, an expenditure of at least \$450  
22 in emission-related repairs (but exclusive of any repairs  
23 related to tampering) has been made.

24 (4) For a vehicle of model year 1981 or later, the  
25 repairs were performed by a recognized repair technician.

26 (5) Evidence of repair is presented, consisting of  
27 either (i) signed and dated receipts identifying the  
28 vehicle and describing the work performed and the amount  
29 charged for the eligible emission-related repairs or (ii)  
30 an affidavit executed by the person performing the eligible  
31 emission-related repairs.

32 (b) The Agency may issue an emission inspection certificate  
33 to a vehicle failing a retest if a complete documented physical

1 and functional diagnosis and inspection shows that no  
2 additional emission-related repairs are needed. This  
3 diagnostic inspection must be performed by the Agency or its  
4 designated agent and shall be available only to a vehicle owner  
5 whose vehicle was repaired by a recognized repair technician.

6 (c) The Agency may extend the emission inspection  
7 certificate expiration date by one year upon receipt of a  
8 petition by the vehicle owner that needed repairs cannot be  
9 made due to economic hardship. Consistent with Title 40,  
10 Section 51.360 of the Code of Federal Regulations, this  
11 extension may be granted more than once during the life of the  
12 vehicle.

13 (d) The Agency may issue an emission inspection certificate  
14 for a vehicle subject to inspection under this Chapter that is  
15 located and primarily used in an area subject to the vehicle  
16 inspection requirements of another state. An emission  
17 inspection certificates shall be issued under this subsection  
18 only upon receipt by the Agency of evidence that the vehicle  
19 has been inspected and is in compliance with the emission  
20 inspection requirements and standards applicable in the state  
21 or local jurisdiction where the vehicle is being used.

22 (625 ILCS 5/13C-35 new)

23 Sec. 13C-35. Inquiries. The Agency shall develop a means of  
24 responding to inquiries from inspectors and members of the  
25 public concerning the program, including (i) when inspections  
26 are required, (ii) what kind of inspections are required, (iii)  
27 whether emission inspection stickers or certificates  
28 previously required for a vehicle have been obtained, and (iv)  
29 the procedures for resolving disputes concerning inspections.

30 (625 ILCS 5/13C-40 new)

31 Sec. 13C-40. Grievance and damage claim requirements and  
32 procedures.

1       (a) Emissions inspection and waiver denial grievance  
2 procedures.

3           (1) Any person aggrieved by a decision regarding the  
4 failure of an emissions test or the denial of a waiver may  
5 file a petition with the Agency within 30 days after the  
6 decision was made, and the Agency shall thereupon  
7 investigate the matter. Within 45 days after its receipt of  
8 the petition, the Agency shall submit to the petitioner and  
9 any affected inspector or station its written  
10 determination of the correctness or incorrectness of the  
11 decision being grieved. The written determination shall  
12 include a statement of the facts relied upon and the legal  
13 and technical issues decided by the Agency in making its  
14 determination, and may also include an order directing the  
15 inspector (i) to issue an emission inspection certificate  
16 for the vehicle effective on such date as the Agency may  
17 specify, (ii) to reinspect the vehicle, (iii) to apply the  
18 standards that the Agency has determined to be applicable,  
19 or (iv) to take any other action that the Agency deems to  
20 be appropriate. In conducting the investigation, the  
21 Agency may require the petitioner to present the vehicle  
22 for inspection by the Agency or its designated agent.

23           (2) The written determination of the Agency shall be  
24 subject to review in circuit court in accordance with the  
25 provisions of the Administrative Review Law, except that no  
26 challenge to the validity of a rule adopted or continued  
27 under subsection (a) of Section 13C-20 shall be heard by  
28 the circuit court if the challenge could have been raised  
29 in a timely petition for review as provided in Section  
30 13C-20.

31 (b) Vehicle damage claim requirements and procedures.

32           (1) The contractor shall make vehicle damage claim  
33 forms authorized by the Agency available for vehicle owners  
34 in sufficient quantities at all official inspection

1       stations.

2       (2) Notice of the vehicle damage claim procedures and  
3       the vehicle owner's rights in relation to a vehicle damage  
4       claim shall be conspicuously posted at all official  
5       inspection stations.

6       (3) If a vehicle owner believes that his or her vehicle  
7       was damaged by an act or omission of the contractor during  
8       or as a result of an emissions inspection performed on or  
9       after August 1, 2002, the owner may initiate resolution of  
10      the damage claim under this subsection by complying with  
11      the following:

12           (A) Within 30 days of the date of the vehicle  
13           emissions inspection that allegedly caused the vehicle  
14           damage, the vehicle owner shall submit a vehicle damage  
15           claim to the contractor at the official inspection  
16           station at which the vehicle damage allegedly  
17           occurred.

18           (B) Within 30 days of filing the claim, the owner  
19           shall submit to the contractor any relevant  
20           information relating to the owner's claim for vehicle  
21           damage, including but not limited to evaluations  
22           conducted by a claims evaluation center or automotive  
23           repair shop meeting standards prescribed by the  
24           Agency.

25       (4) The contractor shall promptly notify the Agency of  
26       each vehicle damage claim received by the contractor under  
27       subdivision (b) (3) and shall forward to the Agency any  
28       additional information provided by the owner.

29       (5) Within 60 days after the filing of a vehicle damage  
30       claim, the contractor shall notify the vehicle owner of its  
31       proposed resolution of the damage claim.

32       (6) Within 30 days after receiving the contractor's  
33       proposed resolution of the damage claim, the owner may  
34       petition the Agency for a review of the adequacy and

1 completeness of the contractor's proposed resolution. The  
2 petition shall be in a form specified by the Agency.

3 (7) Upon receiving a petition for review, the Agency  
4 shall request the contractor to deliver to the Agency a  
5 copy of the contractor's proposed resolution of the damage  
6 claim, together with all documents, videotapes, and  
7 information relevant to the damage claim and the proposed  
8 resolution. The contractor shall provide the requested  
9 materials to the Agency within 15 days of receiving the  
10 Agency's request.

11 (8) Within 30 days after receiving the relevant  
12 materials from the contractor, the Agency shall review the  
13 materials and determine whether the contractor's proposed  
14 resolution of the damage claim is adequate and complete.  
15 The Agency may deem the proposed resolution of the damage  
16 claim to be adequate and complete. If the Agency does not  
17 deem the proposed resolution of the damage claim to be  
18 adequate and complete, it may request the contractor to  
19 further investigate and evaluate the damage claim and  
20 resubmit its proposed resolution of the claim. The  
21 contractor shall then have 30 days to respond in writing to  
22 the Agency with the results of its further evaluation of  
23 the damage claim and its proposed resolution.

24 (9) The Agency shall notify the vehicle owner in  
25 writing of the result of its review of the adequacy and  
26 completeness of the contractor's proposed resolution of  
27 the damage claim. Copies of all correspondence between the  
28 Agency and the contractor relating to the damage claim  
29 shall also be sent to the vehicle owner.

30 (10) If, after the Agency's review, the vehicle owner  
31 still does not agree with all or a portion of the proposed  
32 resolution of the damage claim by the contractor, the  
33 vehicle owner may further pursue the damage claim through  
34 the binding arbitration process established by the

1 contractor and accepted by the Agency, or in circuit court.

2 (11) The Agency's review of the adequacy and  
3 completeness of the contractor's proposed resolution of a  
4 damage claim is not binding upon the vehicle owner or the  
5 contractor and does not affect the rights of the vehicle  
6 owner or the contractor under law. The Agency's review of  
7 the adequacy and completeness of the contractor's proposed  
8 resolution of a damage claim is not a final action subject  
9 to administrative review and is not subject to review by  
10 the Pollution Control Board or otherwise appealable.

11 (625 ILCS 5/13C-45 new)

12 Sec. 13C-45. Contracts.

13 (a) The Agency may enter into contracts with one or more  
14 responsible parties to construct and operate official  
15 inspection stations, provide and maintain approved test  
16 equipment, administer tests, certify results, issue emission  
17 inspection stickers or certificates, maintain records, train  
18 personnel, provide information to the public concerning the  
19 program, or to otherwise further the goals of this Chapter.

20 (b) In preparing its proposals for bidding by potential  
21 contractors, the Agency shall endeavor to include provisions  
22 relating to the following factors:

23 (1) The demonstrated financial responsibility of the  
24 potential contractor.

25 (2) The specialized experience and technical  
26 competence of the potential contractor in connection with  
27 the type of services required and the complexity of the  
28 project.

29 (3) The potential contractor's past record of  
30 performance on contracts with the Agency, with other  
31 government agencies or public bodies, and with private  
32 industry, including such items as cost, quality of work,  
33 and ability to meet schedules.

1           (4) The capacity of the potential contractor to perform  
2           the work within the time limitations.

3           (5) The familiarity of the potential contractor with  
4           the types of problems applicable to the project.

5           (6) The potential contractor's proposed method to  
6           accomplish the work required, including where appropriate  
7           any demonstrated capability of exploring and developing  
8           innovative or advanced techniques and methods.

9           (7) Avoidance of personal and organizational conflicts  
10          of interest prohibited under federal, State, or local law.

11          (8) The potential contractor's present and prior  
12          involvement in the community and in the State of Illinois.

13           (625 ILCS 5/13C-50 new)

14          Sec. 13C-50. Costs.

15          (a) Except as otherwise provided in subsection (e) of  
16          Section 13C-15, no fee shall be charged to motor vehicle owners  
17          for obtaining inspections required under this Chapter. The  
18          Vehicle Inspection Fund, which is a fund created in the State  
19          treasury for the purpose of receiving moneys from the Motor  
20          Fuel Tax Fund and other sources, shall be used, subject to  
21          appropriation, for the payment of the costs of the program,  
22          including reimbursement of those agencies of the State that  
23          incur expenses in the administration or enforcement of the  
24          program. The Vehicle Inspection Fund shall continue in  
25          existence notwithstanding the repeal of Chapter 13B. Any money  
26          in the Vehicle Inspection Fund on February 1, 2007, shall be  
27          used for the purposes set forth in this Chapter.

28          (b) The Agency may acquire, own, maintain, operate, sell,  
29          lease and otherwise transfer real and personal property and  
30          interests in real and personal property for the purpose of  
31          creating or operating inspection stations and for any other  
32          purpose relating to the administration of this Chapter, and may  
33          use money from the Vehicle Inspection Fund for these purposes.

1 (625 ILCS 5/13C-55 new)

2 Sec. 13C-55. Enforcement.

3 (a) The Agency shall cooperate in the enforcement of this  
4 Chapter by (i) identifying probable violations through  
5 computer matching of vehicle registration records and  
6 inspection records; (ii) sending one notice to each suspected  
7 violator identified through such matching, stating that  
8 registration and inspection records indicate that the vehicle  
9 owner has not complied with this Chapter; (iii) directing the  
10 vehicle owner to notify the Agency or the Secretary of State if  
11 he or she has ceased to own the vehicle or has changed  
12 residence; and (iv) advising the vehicle owner of the  
13 consequences of violating this Chapter.

14 The Agency shall cooperate with the Secretary of State in  
15 the administration of this Chapter and the related provisions  
16 of Chapter 3, and shall provide the Secretary of State with  
17 such information as the Secretary of State may deem necessary  
18 for these purposes, including regular and timely access to  
19 vehicle inspection records.

20 The Secretary of State shall cooperate with the Agency in  
21 the administration of this Chapter and shall provide the Agency  
22 with such information as the Agency may deem necessary for the  
23 purposes of this Chapter, including regular and timely access  
24 to vehicle registration records. Section 2-123 of this Code  
25 does not apply to the provision of this information.

26 (b) The Secretary of State shall suspend either the driving  
27 privileges or the vehicle registration, or both, of any vehicle  
28 owner who has not complied with this Chapter, if (i) the  
29 vehicle owner has failed to satisfactorily respond to the one  
30 notice sent by the Agency under subsection (a), and (ii) the  
31 Secretary of State has mailed the vehicle owner a notice that  
32 the suspension will be imposed if the owner does not comply  
33 within a stated period, and the Secretary of State has not

1 received satisfactory evidence of compliance within that  
2 period. The Secretary of State shall send this notice only  
3 after receiving a statement from the Agency that the vehicle  
4 owner has failed to comply with this Section. Notice shall be  
5 effective as specified in subsection (c) of Section 6-211 of  
6 this Code.

7 A suspension under this subsection shall not be terminated  
8 until satisfactory proof of compliance has been submitted to  
9 the Secretary of State. No driver's license or permit, or  
10 renewal of a license or permit, may be issued to a person whose  
11 driving privileges have been suspended under this Section until  
12 the suspension has been terminated. No vehicle registration or  
13 registration plate that has been suspended under this Section  
14 may be reinstated or renewed, or transferred by the owner to  
15 any other vehicle, until the suspension has been terminated.

16 (625 ILCS 5/13C-60 new)

17 Sec. 13C-60. Other offenses.

18 (a) Any person who knowingly displays an emission  
19 inspection sticker or exemption sticker on any vehicle other  
20 than the one for which the sticker was lawfully issued in  
21 accordance with the provisions of this Chapter, or duplicates,  
22 alters, uses, possesses, issues, or distributes any emission  
23 inspection sticker, exemption sticker, inspection certificate,  
24 or facsimile thereof, except in accordance with the provisions  
25 of this Chapter and the rules and regulations adopted  
26 hereunder, is guilty of a Class C misdemeanor.

27 (b) A vehicle owner shall pay a monetary fine equivalent to  
28 the test fee plus the applicable waiver repair expenditure for  
29 the continued operation of a noncomplying vehicle beyond 4  
30 months past the expiration of the vehicle emission inspection  
31 certificate. Any fines collected under this Section shall be  
32 divided equally between the local jurisdiction issuing the  
33 citation and the Vehicle Inspection Fund.

1 (625 ILCS 5/13C-75 new)

2 Sec. 13C-75. Home rule. The vehicle emission inspection  
3 program created by this Chapter is hereby declared to be the  
4 subject of exclusive State jurisdiction. Pursuant to  
5 subsection (h) of Section 6 of Article VII of the Illinois  
6 Constitution, the exercise by a home rule unit of any power  
7 that is inconsistent with this Chapter is hereby specifically  
8 denied and preempted."